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**CENTRAL FAX CENTER****FEB 22 2006****FAX TRANSMISSION****DATE:** February 22, 2006**PTO IDENTIFIER:** Application Number 09/038,572  
Patent Number**Inventor:** Shuji Hinuma et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** EDWARDS ANGELL PALMER & DODGE LLP

Jonathan M. Sparks, Ph.D.

**PHONE:** (617) 439-4444**Attorney Dkt. #:** 45753D1(71550)**PAGES (Including Cover Sheet):** 12**CONTENTS:** Petition to Withdraw from Holding of Abandonment (3 pages)  
Exhibit A (3 pages)  
Exhibit B (2 pages)  
Certificate of Transmission (1 page)

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P.O. Box 55874, Boston, Massachusetts 02205  
Telephone: (617) 439-4444 Facsimile: (617) 439-4170

PTO/SD/97 (08-04)

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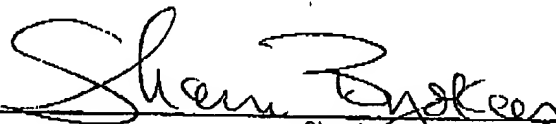
Application No. (if known): 09/038,572

Attorney Docket No.: 45753D1(71550)

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on February 22, 2006  
Date

  
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Petition to Withdraw Holding of Abandonment (3 pages)  
Exhibit A (3 pages)  
Exhibit B (2 pages)

**RECEIVED  
CENTRAL FAX CENTER****FEB 22 2006**Docket No.: 45753D1(71550)  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Patent Application of:  
Shuji Hinuma et al.

Application No.: 09/038,572

Confirmation No.: @@@

Filed: March 11, 1998

Art Unit: 1654

For: G PROTEIN COUPLED RECEPTOR  
PROTEIN, PRODUCTION AND USE  
THEREOF

Examiner: A. Gupta

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully petitions and requests that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for allegedly failing to timely file a Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated October 26, 1999. However, after receiving the Notice to Comply, Applicants' attorney spoke to Examiner Gupta and determined that a Request to Transfer the sequence listing from the parent application was previously filed. Examiner Gupta indicated that an Office Action on the Merits would be issued.

The Notice to Comply was sent after a Restriction Requirement was issued by the Patent Office and after Applicants responded to the Restriction Requirement.

531064

Application No.: 09/038,572

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Docket No.: 45753D1(71550)

After receiving the Notice to Comply, Applicant's attorney David Conlin spoke with Examiner Gupta on November 15, 1999 and indicated that a request to use the sequence listing from the parent application was filed along with the filing of the above-identified application. During this conversation, Examiner Gupta indicated that he found the request to use the sequence listing in the parent application and, therefore, an Office Action on the merits would issue in due course. Mr. Conlin also sent Examiner Gupta a duplicate copy of this request on November 15, 1999 (a copy of which is enclosed as Exhibit A). An Office Action was never issued.

From the history available on PAIR it appears that the case was sent back to Examiner Gupta after the telephone conference with Mr. Conlin (on 12/28/1999) (see print-out of file history from PAIR attached hereto as Exhibit B). The PAIR file history indicates that this application was docketed to the Examiner twice: once on December 28, 1999 and again on October 4, 2002. The Examiner did not issue an Office Action on either of these occasions.

Nearly four years after the telephone conference with David Conlin, on September 30, 2003, the case was indicated as abandoned for failing to respond to the Notice to Comply. Applicants never received a copy of the Notice of Abandonment despite the indication in PAIR that one was sent.

#### RELIEF REQUESTED

Because the sequence listing was in compliance with the Rules, and a response to the Restriction Requirement was filed, Applicants hereby request withdrawal of the holding of abandonment and the prompt issuance of an Office Action.

Application No.: 09/038,572

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FEE REQUIRED

No fee is required. The Commissioner is hereby authorized and requested to charge any fee that may be required to Deposit Account No. **04-1105**.

Dated: February 22, 2006

Respectfully submitted,

By

Jonathan M. Sparks, Ph.D.

Registration No.: 63,624

EDWARDS ANGELL PALMER & DODGE  
LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 439-4444

Attorneys/Agents For Applicant

# Exhibit A

\*\* TX STATUS REPORT \*\*

AS OF NOV 15 1999 17:03 PAGE.01

DIKE BRONSTEIN

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	JOB#	STATUS
27	11/15	17:02	2H749H17Q33057401	EC--S	00'44"	003	250	OK

DIKE, BRONSTEIN, ROBERTS &amp; CUSHMAN, LLP

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(508) 485-7772

## FACSIMILE TRANSMITTAL COVER SHEET

DATE: November 15, 1999TO: Examiner Anish Gupta  
(Name)FAX NO.: 703-305-7401  
SPEED DIAL: ( )USPTO  
(Company)COUNTRY: USFROM: Jennifer K. Holmes

FAX NOS.: (617) 523-6440

Our Reference No.: 1550-45753-DIV# of pages: 3  
(Including cover)USSN: 09/038,572MESSAGE:  
  
  
Should there be any problem with this transmission, please contact Jennifer K. Holmes at the above telephone number.

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126650



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INTELLECTUAL PROPERTY LAW

130 WATER STREET  
BOSTON, MASSACHUSETTS 02109-4280  
TELEPHONE (617) 523-3400  
FACSIMILE (617) 523-6440  
www.dbrc.com

MARLBOROUGH, MA OFFICE  
TELEPHONE (508) 485-7772

WASHINGTON, D.C. OFFICE  
TELEPHONE (703) 553-2563

EMAIL jkh@dbrc.com

November 15, 1999

**Via Facsimile**

Anish Gupta  
Patent Examiner  
United States Patent and Trademark Office

Re: U.S. Application Serial No. 09/038,572  
Filed: March 11, 1998  
Our Ref.: 1550-45753-DIV

Dear Examiner Gupta:

As per our telephone conversation of earlier today, enclosed please find a copy of the request to transfer the paper and computer readable form of the sequence listing from the parent application (USSN 08/513,974 filed on September 14, 1995) to the above-referenced divisional application (USSN 09/038,572 filed on March 11, 1998). The request was filed on March 11, 1998 concurrently with the filing of the divisional application.

Please feel free to contact us with any questions, or if we can be of any assistance.

Best regards,

Jennifer K. Holmes  
David G. Conlin

JKH/dmt  
Enclosures  
130989



Docket No.: 45753-DIV

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: K. Nakao, et al.

EXAMINER: Not yet assigned

SERIAL NO.: not yet assigned

GROUP:

FILED: herewith

FOR: G PROTEIN COUPLED RECEPTOR PROTEIN, PRODUCTION AND USE THEREOF

Assitant Commissioner for Patents  
Washington, D.C. 20231

Sir:

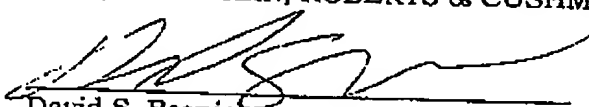
## TRANSFER OF SEQUENCE LISTING

The computer readable form in this application is identical with that filed in U.S.S.N. 08/513,974, filed September 14, 1995. In accordance with 37 CFR 1.821(e), please use the computer readable form filed September 16, 1997, in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing is included in the originally-filed specification of the instant application.

In accordance with 37 CFR §§1.821-1.825, I hereby state that the content of the paper, computer-readable copies of the sequence listing submitted in accordance with 37 CFR §1.821(c) and (e) on September 16, 1997, respectively, are the same. I hereby state that the submission, filed in accordance with 37 CFR §1.821(g), does not introduce new matter.

Respectfully submitted,

DIKE, BRONSTEIN, ROBERTS &amp; CUSHMAN, LLP

Date: 11-3-99  
David S. Resnick  
(Reg. No.: 34235)  
Attorney for Applicant  
130 Water Street  
Boston, Massachusetts 02109  
(617) 523-3400

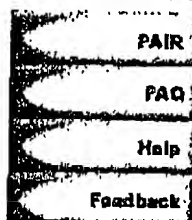
# Exhibit B



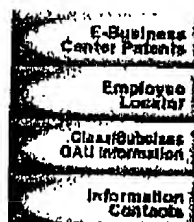
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# PATENT APPLICATION INFORMATION RETRIEVAL



## Other Links



Printer Friendly Version

Search results as of: 2-15-2006::15:54

Search results for application number: 09/038,572			
Application Number:	09/038,572	Customer Number:	21874
Filing or 371(c) Date:	03-11-1998	Status:	Abandoned - Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	09-30-2003
Examiner Name:	GUPTA, ANISH	Location:	FILE REPOSITORY (FRANCONIA)
Group Art Unit:	1654	Location Date:	10-30-2003
Confirmation Number:	8502	Earliest Publication No:	-
Attorney Docket Number:	45753-DIV	Earliest Publication Date:	-
Class/ Sub-Class:	530/324	Patent Number:	-
First Named Inventor:	SHUJI HINUMA, TSUKUBA-SHI, (JP)	Issue Date of Patent:	-
Title Of Invention:	G PROTEIN COUPLED RECEPTOR PROTEIN, PRODUCTION, A USE THEREOF		

Select Search Option

Assignments  
Continuity Data  
Foreign Priority  
Image File Wrapper

Search

File History	
Date	Contents Description
04-20-2004	Correspondence Address Change
09-30-2003	Mail Abandonment for Failure to Respond to Office Action
09-30-2003	Abandonment for Failure to Respond to Office Action
10-04-2002	Case Docketed to Examiner in GAU
12-20-1999	Information Disclosure Statement (IDS) Filed
12-28-1999	Case Docketed to Examiner in GAU
10-26-1999	Mail Incomplete Response to Sequence Rule Request
10-25-1999	Incomplete Response to Sequence Rule Request
08-10-1999	Date Forwarded to Examiner
08-05-1999	Response to Election / Restriction Filed
06-28-1999	Mail Restriction Requirement
06-28-1999	Requirement for Restriction / Election
03-11-1998	Miscellaneous Incoming Letter

04-08-1998	Case Docketed to Examiner in GAU
03-30-1998	Application Dispatched from OIPE
03-24-1998	IFW Scan & PACR Auto Security Review
03-16-1998	Initial Exam Team nn

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